

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SINGAPORE RECYCLE CENTRE PTE LTD.,<sup>1</sup>

Plaintiff,

- against -

ORDER  
06-CV-4997 (RRM) (RER)

KAD INTERNATIONAL MARKETING, INC and  
ASHIT KADAKIA (a/k/a Allen Kad),

Defendants.

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**MAUSKOPF, United States District Judge.**

Plaintiff Singapore Recycle Centre Pte Ltd. ("SRC") has moved for Summary Judgment on the First, Third and Fourth Claims in the Complaint. By Order entered March 19, 2009, this Court referred that motion to the assigned Magistrate Judge, the Honorable Ramon E. Reyes, for a Report and Recommendation. On August 6, 2009, Magistrate Judge Reyes issued a Report and Recommendation (the "R&R") that Plaintiff's motion be granted in part and denied in part, and that partial judgment be entered against Defendants Kad International Marketing, Inc. ("Kad International") and Ashit Kadakia, a/k/a Allen Kad, ("Kadakia") jointly and severally, in the amount of \$238,590, plus prejudgment interest of 9% accruing as of March 12, 2005 solely against Defendant Kadakia personally. Magistrate Judge Reyes reminded the parties that, pursuant to Rule 72(b), any objections to the R&R were due by August 24, 2009. Neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

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<sup>1</sup> The caption for this case incorrectly identifies Plaintiff as Singapore Recycle Center Pte Ltd. (emphasis added). The correct name of Plaintiff is Singapore Recycle Center Pte Ltd. (emphasis added). The Clerk of Court shall amend the caption accordingly.

Accordingly, it is hereby:

1. ORDERED, that Plaintiff's motion for Summary Judgment is GRANTED IN PART AND DENIED IN PART as follows:
  - a. As to the First and Fourth Claims in the Complaint, Summary Judgment is GRANTED in favor of Plaintiff SRC against Defendant Kad International; and
  - b. As to the Third Claim in the Complaint, Summary Judgment is GRANTED in favor of Plaintiff SRC against Defendant Kadakia personally; and it is further
2. ORDERED that as to the First Claim in the Complaint, the parties are directed to contact the assigned Magistrate Judge, who will supervise a brief period of discovery focused on the measure of damages for this claim, that being the difference between the contract price and the fair market value of the scrap metal at the time SRC learned of Kad International's breach of contract; and it is further
3. ORDERED that as to the Third and Fourth Claims in the Complaint, partial judgment shall be entered upon application at an appropriate time in favor of Plaintiff SRC as against Defendants Kad International and Kadakia, jointly and severally, in the amount of \$238,590, plus 9% interest accruing as of March 12, 2005 as against Defendant Kadakia personally; and it is further
4. ORDERED that a copy of this ORDER shall be served by Plaintiff on Defendants Kad International and Kadakia on or before September 8, 2009, and Plaintiff shall file proof of such service with the Court.

SO ORDERED.

Dated: Brooklyn, New York  
August 31, 2009

s/RRM  
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ROSLYNN R. MAUSKOPF  
United States District Judge